REMARKS

Favorable reconsideration is respectfully requested.

The claims are 20 to 28.

Claims 20 to 28 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al. (U.S. 5,889,126) (herein Kaplan) in combination with Moens et al. (WO 98/18862, cited with equivalent U.S. 6,635,721).

The rejection concludes that it would have been obvious to a person of ordinary skill in the art to use Moens' amorphous polymer in Kaplan's applications in order to achieve good mechanical properties and excellent weatherability.

This rejection is respectfully traversed.

The present claims are directed to powdered thermosetting compositions for coatings (claims 20 to 26), a process for coating an article using the powder coating composition according to claim 20 (claim 27) and the substrate entirely or partially coated by the process of claim 27.

Present claim 20 recites powdered thermosetting compositions which comprise:

α) a carboxycylic acid group containing amorphous polyester having a specified acid number prepared from a specified polyacid and polyol; and

β) a crosslinking agent having a least two β-hydroxyalkylamide groups.

The powdered thermosetting composition contains no semi-crystalline polyester.

Kaplan relates to hydroxy-functional amorphous *co*-polyesters (column 2, line 49 and Formula (I)) with β-hydroxyalkylamide groups, having a hydroxyl value of 10 to 400 mg KOH/g (Abstract). The β-hydroxyalkylamide groups in said polyester come from a reaction with amino alcohols (column 2, lines 21 through 31).

The rejection in the last paragraph on page 2 refers to a *carboxylic* group containing amorphous polyester having an *acid* number of from 10 to 400 KOH/g.

However, this is not correct since Kaplan is referring to a hydroxyl value and not an acid number.

Only column 4, lines 16 through 53 of Kaplan and Example 3 relate to a carboxy-functional amorphous polyester and the teachings therein do not hint at a polyester in a powdered thermosetting-composition recited in claims 20 to 28.

Next, Kaplan e.g. does not contain any precise teaching with respect to the polyol constituent of (b) as claimed.

Present claim 20(b)(i), requires the presence of *from 15 to 65 mole% of one or more linear chain aliphatic C4-16 diols* as part of the polyol constituent (b).

The teaching in Kaplan at column 4, lines 40 through 53, is so general that all possible suitable alcohol components are listed therein. An extended list containing linear and branched alcohols with a widely varying chain length (from C2 to C20+) is disclosed therein.

In said vast list, (1) linear chain aliphatic C4-C16 diols are not singled out, nor are they said to be preferred and (2) nothing is said about a concentration in which they should be used (should Kaplan ever hint at this precise class of diols).

Neither the general teaching of column 4 nor Example 3 teach or hint at presently claimed feature (b)(i).

Thus, component (b)(i) of present claim 20 cannot be found in Kaplan absent an improper hindsight reconstruction of claim 20.

Claim 20(b)(ii) further requires the presence of *from 35 to 85 mole% of NPG.*

The rejection at page 3 states that Kaplan column 3, line 20 requires at least 50 mole% of NPG.

However, this is not the case. In this regard:

(1) In present claim 20 the mole% of NPG based is on the total of polyols,

(2) In Kaplan column 3, line 20 (or column 4, line 53) refers to "a proportion of neopentenyl glycol and/or propylene glycol of at least 50 mole% relative to total acids", and

(3) Example 3 contains 92 mole% (on total polyol) which is outside the presently claimed range.

Neither the general teaching of Kaplan, column 4 nor Example 3, teach or hint at feature (b)(iii) of present claim 20.

Features (b)(i) and (b)(ii) are thus lacking in Kaplan and consequently, any combination of these features with an IPA rich polyacid constituent – event if a person of ordinary skill in the art would have singled out IPA from a general teaching in column 2, line 55 (or column 4, line 24), cannot be taught or suggested by Kaplan.

Kaplan thus differs in many points from the presently claimed subject matter.

These deficiencies of Kaplan are not remedied by Moens et al.

As demonstrated above, many essential claim features are missing from Kaplan, which claim features which are also not derivable from the amorphous polyester referred to in Moens' claim 20, part (b).

Please note that e.g. 0-30 mole% does not equal *from 15 to 65 mole% of one or more linear chain aliphatic C4-C16 diols* (precise subgroup and precise concentration). Neither the cited part of Moens nor the corresponding examples (Examples 1 to 2 and 4 to 7), disclose a linear chain aliphatic C4-C16 diol as required by present claim 20(b)(i).

To conclude, claim 20 and claims dependent thereon are neither disclosed nor suggested by Kaplan alone or in combination with Moens et al.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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